

July 11, 2005

Marlene H. Dortch  
Secretary  
Federal Communications Commission  
445 12<sup>th</sup> Street, SW  
Suite TW-A325  
Washington, DC 20554

Dear Ms. Dortch:

This is provided in response to a letter submitted on June 24, 2005 by a representative of Gemini Networks, CT, Inc. ("Gemini"). Gemini interprets a quote in a Connecticut newspaper to mean that I, or Connecticut Department of Public Utility Control ("DPUC") staff, engaged in substantive discussions in this matter with Federal Communications Commission ("FCC") staff contrary to ex parte disclosure requirements.

First, I write to make clear my remark to a newspaper reporter should not be construed to mean that there was improper communication by the Connecticut DPUC or the FCC in this matter. Specifically, the communication to a reporter was one call from a then FCC staff member to a Connecticut DPUC staff member in which the former FCC staff member made a casual remark. The call lasted approximately one to two minutes. In answering the call, the DPUC staff member did not endeavor to provide new information pertaining to fact or law or to influence the outcome of the proceeding.

Throughout my ten years as a state regulator, I have found my staff, like the FCC staff with whom I am familiar, to perform their jobs at a high level of integrity and professionalism. Indeed, the particular DPUC staff member who spoke with the FCC in this matter is widely considered to possess the highest degree of competency and veracity.

Next, Gemini referred to a state Ethics Commission inquiry. I note that the Connecticut Ethics Commission declined to consider the issue of a state regulator providing information to a state legislator. I appreciated Governor Rell's

referral of the matter in order to eliminate the question of a breach of state ethics law.

Finally, I voluntarily recused myself and all DPUC staff who had been assigned to the Gemini matter.

Thank you for your consideration.

Sincerely,

CC: Honorable Kevin J. Martin  
Honorable Kathleen Q. Abernathy  
Honorable Michael J. Copps  
Honorable Jonathan S. Adelstein  
Honorable Sam Feder